

## TRANSPORTATION DEPARTMENT[761]

### Notice of Intended Action

#### **Proposing rule making related to special registrations plates and providing an opportunity for public comment**

The Department of Transportation hereby proposes to amend Chapter 401, “Special Registration Plates,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 307.12 and 321.34(13).

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 17A and section 321.34.

#### *Purpose and Summary*

The Department is proposing to update Chapter 401 by removing barriers to accepting certain registration plate applications electronically and conforming the rules with 2016 Iowa Acts, chapter 1068, section 1, which amended Iowa Code section 321.34(13) by replacing the provisions for a new special processed emblem license plate with provisions for a special decal license plate.

The proposed amendments strike the requirement that the signatures on the emergency medical services plate application be original and notarized, which will allow the application to be submitted to the Department electronically. The proposed amendments also align the chapter to current Iowa Code section 321.34 by rescinding the rules regarding special processed emblem license plates and adopting rules for a special license plate that contains a space for the display of an organization decal (sticker), including outlining the process for a qualifying organization’s applying to create a new decal and the process for applying for a decal license plate. In addition, the proposed amendments establish the correct dimensions for a decal and clarify the denial, revocation and appeal process.

Prior to the 2016 legislative change, anyone could submit a request to the Department for approval of a new special registration plate with a processed emblem. If the Department approved the request and the design of the proposed emblem, a minimum of 500 paid applications were required before the Department began issuing the plate. If sufficient applications were not received within one year, rules allowed the Department to cancel the approval. An alternative process within the Department’s rules allowed for a state agency to sponsor a special registration plate. However, when the legislature amended Iowa Code section 321.34, the process for requesting a new special processed emblem plate was replaced with a process for requesting a special registration plate containing a space reserved for placement of an organization decal to be designed, produced, and issued by a qualifying organization. Proposed new rules 761—401.15(17A,321) and 761—401.16(17A,321) align the chapter to current Iowa Code section 321.34 by providing for a special license plate that contains a space for the display of an organization decal (sticker). The plates are available without an additional special plate fee at the time of initial registration of a vehicle and are renewed annually upon payment of the regular annual registration fee for the vehicle. The special decal plates are also available as personalized plates upon payment of personalized plate fees.

#### *Fiscal Impact*

The amendments to the Department’s rules have no known fiscal impact beyond that of the legislative changes the amendments were intended to implement.

### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

### *Waivers*

Any person who believes that the person's circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

### *Public Comment*

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on June 26, 2018. Comments should be directed to:

Tracy George  
Department of Transportation  
DOT Rules Administrator, Strategic Communications and Policy  
800 Lincoln Way  
Ames, Iowa 50010  
Email: [tracy.george@iowadot.us](mailto:tracy.george@iowadot.us)

### *Public Hearing*

A public hearing to hear requested oral presentations will be held as follows:

June 28, 2018	Department of Transportation
10 a.m.	Motor Vehicle Division
	6310 SE Convenience Boulevard
	Ankeny, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George, the Department's rules administrator, and advise of specific needs.

The public hearing will be canceled without further notice if no oral presentation is requested.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend paragraph **401.2(1)“b”** as follows:

b. Collegiate plates, personalized plates, and special registration plates that have eligibility requirements must be requested using an application form prescribed by the department. Unless otherwise specified, completed application forms for these plates shall be submitted to the department at the following address: Office of Vehicle and Motor Carrier Services, Iowa Department of Transportation,

P.O. Box 9278, Des Moines, Iowa 50306-9278. Application forms may be obtained from the office of vehicle and motor carrier services or from any county treasurer's office. Application forms are also available on the department's ~~Web site~~ website at <http://www.iowadot.gov/mvd> ~~www.iowadot.gov~~.

ITEM 2. Amend subrule 401.10(1) as follows:

**401.10(1)** Application for emergency medical services (EMS) plates shall be submitted to the department on a form prescribed by the department. The applicant and the applicant's service director shall sign the application form certifying that the applicant is a current member of a paid or volunteer emergency medical services agency. ~~The signatures must be original and notarized.~~ For purposes of this subrule, "service director" means a service director as defined in Iowa department of public health rule 641—132.1(147A).

ITEM 3. Rescind rule 761—401.15(321) and adopt the following **new** rule in lieu thereof:

**761—401.15(17A,321) Nonprofit organization decal.** The following shall apply to all applications for an organization decal under Iowa Code section 321.34(13).

**401.15(1)** Application to request a new decal shall be submitted to the department on Form 411346. The application shall be subject to the requirements in Iowa Code section 321.34(13) and shall include all of the information and documentation required by Iowa Code section 321.34(13) "c." An organization applying for approval of a decal shall meet the criteria set forth in Iowa Code section 321.34(13) "b"(1). A group of organizations applying for approval of a decal must have a common purpose as required by Iowa Code section 321.34(13) "b"(2) and each organization within the group must meet the criteria set forth in Iowa Code section 321.34(13) "b"(1).

**401.15(2)** The proposed decal shall be designed to be placed in the space reserved for the placement of an organization decal and shall be limited to dimensions of 2.875" in width and 3" in height. As required by Iowa Code section 321.34(13) "d," the proposed decal design shall not:

- a. Promote a specific religion, faith or anti-religious sentiment.
- b. Have any sexual connotation.
- c. Be vulgar, prejudiced, hostile, insulting, or racially or ethnically degrading.

**401.15(3)** The office of vehicle and motor carrier services may consult with other organizations, law enforcement authorities, and the general public concerning the decal design.

**401.15(4)** Within 60 days after receiving the application, the office of vehicle and motor carrier services shall advise the organization of the department's approval or denial of the application. The department reserves the right to approve or disapprove any decal design.

**401.15(5)** If the decal is approved and at a later date it is determined that a false application was submitted, or a violation of Iowa Code section 321.34(13) or this chapter occurred, the department shall revoke the decal and the organization shall no longer issue the decal.

**401.15(6)** If the department denies or revokes the decal design, the department shall send notice of the denial or revocation by certified mail to the organization at the address listed on the application. The revocation or denial shall become effective 20 days from the date of mailing. The organization may contest the decision of the department in accordance with 761—Chapter 13. The request shall be deemed timely if it is delivered or postmarked on or before the effective date specified in the notice.

ITEM 4. Rescind rule 761—401.16(321) and adopt the following **new** rule in lieu thereof:

**761—401.16(17A,321) Special plates with space reserved for a nonprofit organization decal.**

**401.16(1)** Application for special plates with space reserved for an organization decal shall be subject to the requirements in Iowa Code section 321.34(13).

**401.16(2)** A person shall obtain the decal to display on the special registration plate from an organization approved by the department. A person shall not display a decal on a vehicle registration plate other than a decal approved by the department. An approved decal shall only be affixed to and displayed in the space reserved for placement of the organization decal on the registration plate.

**401.16(3)** Personalized special plates with space reserved for an organization decal shall be limited to no more than five initials, letters, or combinations of numerals and letters.

ITEM 5. Rescind and reserve rule **761—401.17(321)**.

ITEM 6. Amend rule 761—401.18(321), introductory paragraph, as follows:

**761—401.18(321) Combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, combat medical badge, fallen peace officers and civil war sesquicentennial plates.** Following is the application and approval process for special plate requests under Iowa Code section ~~321.34 as amended by 2011 Iowa Acts, House File 651, section 2~~ 321.34(20C).

ITEM 7. Amend subrule 401.18(1) as follows:

**401.18(1) Design.**

a. The plates shall be a standard background plate with a distinguishing processed emblem specific to each plate type, ~~consistent with processed emblems approved pursuant to rule 761—401.15(321)~~.

b. The distinguishing processed emblem shall be limited to ~~3" × 3½"~~ 2.875" × 3" on the registration plate.

c. No change.

d. The office of vehicle and motor carrier services may consult with other organizations, law enforcement authorities, and the general public concerning distinguishing processed emblems.

ITEM 8. Amend rule 761—401.35(321) as follows:

**761—401.35(321) Revocation of special registration plates—appeal.**

**401.35(1)** Special registration plates shall be revoked if they have been issued in conflict with the statutes or rules governing the plates' issuance. Revoked plates shall be surrendered to the department within 30 days of the date of revocation.

**401.35(2)** The department shall send the notice of revocation to a person's mailing address by certified mail, and the revocation shall become effective 20 days from the date of mailing. The person may contest the decision of the department in accordance with 761—Chapter 13. The request shall be deemed timely if it is delivered or postmarked on or before the effective date specified in the notice.

ITEM 9. Amend **761—Chapter 401**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 35A.11 ~~as amended by 2011 Iowa Acts, House File 651, section 1~~, 321.34 ~~as amended by 2011 Iowa Acts, House File 651, section 2~~, 321.105, 321.166 and 321L.1 and chapter 17A.